

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF WEST VIRGINIA**

Mountain East Conference : **Civil Action No. 1:21-CV-104**
Plaintiff, : **Judge Kleeh**
vs. :
Franklin University, et al. :
Defendants. :

PLAINTIFF MOUNTAIN EAST
CONFEEENCE'S MOTION FOR SUMMARY JUDGMENT

Plaintiff Mountain East Conference (“MEC”), moves this Honorable Court under Rule 56 of the Federal Rules of Civil Procedure for summary judgment on Count I – Breach of Contract. Plaintiff is entitled to summary judgment as a matter of law because no genuine issues of material fact exist. In support, Plaintiff states as follows:

Plaintiff should prevail on Count I for Breach of Contract. Plaintiff has established: (1) the existence of a valid, enforceable contract; (2) that Plaintiff performed under the contract; (3) that Defendants breached or violated their duties or obligations under the contract; and (4) that Plaintiff was damaged as a result of Defendants' breach. As the material facts are undisputed, Plaintiff is entitled to summary judgment as a matter of law as to Count I – Breach of Contract. In support of this Motion, Plaintiff incorporates Plaintiff's Memorandum of Law in Support of Plaintiff Mountain East Conference's Motion for Summary Judgment and the supporting exhibits filed concurrently herewith.

WHEREFORE, Plaintiff Mountain East Conference respectfully requests the Court grant this motion for summary judgment, together with such other and further relief as the Court deems proper.

Respectfully Submitted,

/s/ Michael S. Garrison

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CERTIFICATE OF SERVICE

I certify that on the 12th day of September, 2022, I caused to be electronically filed the foregoing ***Plaintiff Mountain East Conference's Motion for Summary Judgment*** with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent to all registered parties by operation of the Court's electronic filing system.

/s/ Michael S. Garrison
Michael S. Garrison, Esq. (WV Bar No. 7161)